

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

KASEEM ALI-X,

Plaintiff,

v.

GEORGE HAYMAN, et al.,

Defendants.

HON. JEROME B. SIMANDLE

Civil No. 10-4666 (JBS/KMW)

ORDER

This matter is before the Court on Plaintiff's motion for entry of default judgment against Defendant Robert Paterson [Docket Item 105]. However, Defendant Robert Paterson has not been served with the complaint. On February 22, 2013, the United States Marshals Service returned the summons for Robert Paterson unexecuted and noted that Defendant Paterson is now retired. [Docket Item 101.] Service is a mandatory prerequisite to entering default judgment. See Lampe v. Xouth, Inc., 952 F.3d 697, 700-01 (3d Cir. 1991) (explaining that effective service of process is prerequisite to personal jurisdiction over a party) and Gold Kist, Inc. v. Laurinburg Oil Co., Inc., 756 F.3d 14, 19 (3d Cir. 1985) ("A default judgment entered when there has been no proper service of the complaint is, *a fortiori*, void, and should be set aside.") Since the Plaintiff has failed to effect service on Defendant Paterson, Plaintiff's motion for default judgment must be denied.

Accordingly,

IT IS this 16th day of **April, 2013** hereby

ORDERED that the Plaintiff's motion for default judgment
[Docket Item 105] is **DENIED**.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge